

## EXHIBIT A

**Popeo, Paul**

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**From:** Popeo, Paul  
**Sent:** Tuesday, May 17, 2005 3:09 PM  
**To:** 'Lisa Fleming'  
**Subject:** Discovery Schedule

Lisa:

Sorry we missed each other by phone. To follow-up on my voice message, I agree that discovery on the trade secrets side of the case should be extended, and while its difficult to say how much additional time is necessary (in light of various motions pending before the Court) your proposal of three months seems reasonable to me. So, as to that, you have my agreement.

On the patent claims, I think we should be able to complete discovery by the end of the month (as called for in the current schedule). As I mentioned, we can of course agree that either party will be entitled to additional discovery, if such discovery becomes necessary as a direct result of the Court's claim construction. Also, to the extent either party produces documents (such as, for example, source code) after the close of the discovery period, the other party should be entitled to take reasonable follow-up discovery as a consequence of that production. Hopefully, that approach is acceptable to you.

If you don't agree with the above, but would like to discuss some other reasonable modification so that we can file an agreed upon motion, please give me a call. I will be in Washington D.C. this evening and tomorrow, so you should call Bob or Sarah during that time. Otherwise, I will be in the office Friday.  
Thanks,  
Paul

5/24/05